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*Attorneys for Defendant Westgate Las Vegas Resort, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KENNETH HICKERSON, individually,

|Case No.

Plaintiff.

1

WESTGATE LAS VEGAS RESORT, LLC, a Nevada Domestic limited liability company d/b/a WESTGATE LAS VEGAS RESORT & CASINO; DOE Individuals I-X; and ROE Corporations I-X.

## Defendants.

**DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT**

**PURSUANT TO 28 U.S.C §1441(b)**

Defendant Westgate Las Vegas Resort, LLC (“Westgate”) petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court of Nevada. As discussed below, diversity jurisdiction justifies the timely removal. *See* 28 U.S.C. §§ 1332, 1441(b).

First, there is a complete diversity of citizenship between plaintiff and defendants. In considering whether complete diversity exists, courts disregard the citizenship of the fictitious defendants referenced in the complaint. 28 U.S.C. § 1441(b). Based on the citizenship of plaintiff and Westgate, as the only named defendant, plaintiff does not share citizenship with Westgate.

1 Plaintiff alleges that he is an Ohio resident. Westgate, a limited liability company, has Westgate  
 2 Resorts, Inc. (“WRI”) as its only member. WRI is a Florida corporation with its principal place of  
 3 business in Florida. This establishes that plaintiff and Westgate are all citizens of different states.

4 There is also sufficient amount in controversy. In his complaint, plaintiff alleges injuries  
 5 from a June 25, 2022, slip-and-fall at Westgate’s property. He alleges that Westgate’s negligence  
 6 caused his injuries, which included past medical expenses and past and future pain and suffering.  
 7 Plaintiff has informed Westgate of his valuation of his claims at over \$100,000. This far exceeds the  
 8 \$75,000 threshold for amount in controversy.

9 Removal of the case to this Court is timely. Westgate, through its registered agent, was  
 10 served with the summons and complaint on August 24, 2022. Removal occurred within 30 days of  
 11 Westgate being served with the summons and complaint.

12 Attached to this petition is a copy of all process, pleadings, and orders Westgate has received  
 13 in this case. *Id.* § 1446(a). Westgate will file a copy of a notice of removal with the clerk of the  
 14 Eighth Judicial District Court of Nevada and serve a copy of the notice on plaintiff. *Id.* § 1446(d).

15 Dated: September 23, 2022

16  
 17 **WILSON, ELSER, MOSKOWITZ,  
 18 EDELMAN & DICKER LLP**

19 By: /s/I-Che Lai  
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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this 23rd day of September, 2022, I served a true and correct copy of the foregoing document as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

By: /s/Annemarie Gourley  
An Employee of WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER LLP